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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,310	08/29/2001	Carl Risinger	524592001900	7722

25225 7590 03/26/2003
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EXAMINER

JOHANNSEN, DIANA B

ART UNIT	PAPER NUMBER
1634	

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Responsive Reply to Election/Restriction Requirement

1. The reply filed on January 17, 2003 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s). See 37 CFR 1.111.

Applicant's election with traverse of Group I is acknowledged. However, Applicant's response did not include an election of a single combination of polymorphisms, as required by the Election/Restriction of paper no. 7. Paper no. 7 stated:

Group I is drawn to methods in which one of eight different combinations of CYP2D6 polymorphisms must be detected. Molecules comprising each of the different combinations have a different nucleotide sequence, and therefore a different structure. Further, the specification does not indicate that molecules including each of these different combinations are functionally equivalent to one another. Rather, the specification suggests that each haplotype may be associated with a different metabolic phenotype. Accordingly, Group I encompasses detection of eight structurally and functionally distinct molecules, which molecules are not, e.g., obvious variants that may be substituted one for the other. Therefore, if **Group I is elected, Applicant is further required to elect a single one of the 8 combinations of polymorphisms recited in claim 1.**

Further, paper no. 7 stated:

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 703/305-0761. The examiner can normally be reached on Monday-Friday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached at 703/308-1152. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9307 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/308-0196.



Diana B. Johannsen
March 25, 2003